

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

CHARLES DEMPSEY, individually, and
L.D. by her father and natural guardian,
CHARLES DEMPSEY,

Plaintiffs,

-against-

THE CITY OF ROCHESTER, a municipal
entity, JAVIER ALGARIN, ADAM
GORMAN, “JOHN DOE” RPD OFFICER
RESPONSIBLE FOR TRAINING JAVIER
ALGARIN,

Defendants.

19-cv-6780 (EAW)(MWP)

**ATTORNEY DECLARATION IN
SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT**

ELLIOT D. SHIELDS, hereby declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

A. I am the attorney for the Plaintiffs, CHARLES DEMPSEY, individually, and L.D. by her father and natural guardian, CHARLES DEMPSEY, in this case and as such I am fully familiar with the facts and circumstances of the case. I submit this declaration in support of Plaintiffs’ motion for an order granting Plaintiffs’ partial summary judgment pursuant to Rule 56 of the Federal Rule of Civil Procedure.

B. A true and correct copy of the following documents are attached as exhibits are attached hereto:

1. **Exhibit 1:** Selections from Mr. Dempsey 50h transcript
2. **Exhibit 2:** Deed for 53 Kosciusko Street, Rochester, New York
3. **Exhibit 3:** Arrest Report for the October 19, 2018 incident
4. **Exhibit 4:** Algarin Deposition Transcript

5. **Exhibit 5:** Horowitz Deposition Transcript
6. **Exhibit 6:** Gorman Deposition Transcript
7. **Exhibit 7:** Officer Gorman's Body-Worn Camera (BWC) recording
8. **Exhibit 8:** Officer Horowitz's BWC recording
9. **Exhibit 9:** Officer Algarin's BWC recording
10. **Exhibit 10:** Charles Dempsey's Deposition Transcript
11. **Exhibit 11:** Crosby Report
12. **Exhibit 12:** Screenshot from Officer Algarin BWC video at 17:09:37
13. **Exhibit 13:** Screenshots from Officer Algarin BWC video at 17:09:37–
17:09:42
14. **Exhibit 14:** L.D. Deposition Transcript
15. **Exhibit 15:** Officer DiSabatino BWC recording
16. **Exhibit 16:** Lindauer Body-Worn Camera (BWC) video at 17:12:45–
17:13:00
17. **Exhibit 17:** Incident Report CR # 2018-00258730
18. **Exhibit 18:** Officer Brodsky BWC
19. **Exhibit 19:** Cuilla Deposition Transcript
20. **Exhibit 20:** Rudolph Deposition Transcript
21. **Exhibit 21:** Laureano Deposition Transcript

Dated: New York, New York
August 9, 2024

Respectfully Submitted,
ROTH & ROTH LLP

By: _____

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To: All parties (via ECF)